

REMARKS

Receipt of the Office Action of December 13, 2005 is gratefully acknowledged.

Claims 1 - 12 and 19 - 39 are pending. Of these, claims 1 - 12 have been re-examined on their merits, while claims 19 - 39 have been withdrawn from further consideration as drawn to a separately patentable subcombination.

The final rejection of claims 1, 6 and 10 - 12 as anticipated under 35 USC 102(b) by Venditti, the final rejection of claims 2, 8 and 9 as unpatentable under 35 USC 103(a) Over Venditti in view of Wetzel et al, the final rejection of claims 3 - 5 as unpatentable under 35 USC 103(a) over Venditti in view of Schmidt et al, and the final rejection of claim 7 as unpatentable under 35 USC 103(a) over Venditti in view of Belforte et al are noted and again respectfully traversed.

In applying Venditti against claims 1, 6 and 8 - 12, the examiner states that the "measuring unit 20" and the "higher order unit 18" are electrically connected by "a first pair of lines (signal 1, signal 2)," and by "a second pair of lines (power +, power -)." And then concludes that according to Venditti "a signal current flows via said first pair of lines....and a supply flows via said second pair of lines..." Applicant cannot agree. The "supply current and at least a portion of the signal current" must "supply said measuring instrument" as recited in claim 1. That is, the measuring instrument and the higher order unit have to be connected by the second pair of lines and by this connection the measuring instrument is powered utilizing "said supply current and at least a portion of the signal current supply." That is not what the arrangement noted by the examiner does. As the CAFC has noted in *Ex parte Beuther*, 71 USPQ2d 1313 (Fed. Cir. 2003) the examiner cannot "pick, choose and combine" features of a reference which may not even be related in the manner recited in the claim. Venditti does not power the measuring unit as recited in claim 1. Venditti does not disclose the use of one of two supplying currents (each flowing in one of two pairs of lines and each powering the measuring unit), nor does Venditti disclose that one of the two supplying currents additionally represents a measured value. Claim 1 states that "said current representing an instantaneous measured value."

From considering col. 5, line 64 to col. 6, line 1 of Venditti it is clear that the electrical parameter delivered from unit 18 to the instrument 20 does not serve to power the unit 20, as claimed in claim 1 of the present application. It must be emphasized that Venditti does not disclose powering the instrument 20 via two pair of lines. It is not enough to say that there are more than two pairs of lines. It is rather necessary to show that Venditti discloses **powering** the instrument 20 via two pair of lines.

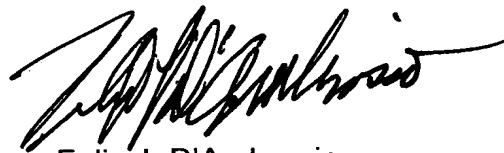
Then when Wetzel et al is combined with Venditti, the result does not change because Wetzel et al also does not disclose the powering feature noted above. Wetzel et al discloses the type of two wire device noted on page 1, line 31 to page 2, line 26 of the present application. Further reading of the specification to page 3, line 9 will demonstrate the disadvantage of such a device.

Schmidt et al discloses a control system for cellular mobile communications. it really has nothing to do with the present invention.

The references of record do not disclose powering of a field device via at least two pairs of lines using at least one of the supply currents flowing through the pair of lines for transmitting a measured value.

Reconsideration of the final rejections is respectfully requested in view of the above discussion and elected claims 1 - 12 found allowable.

Respectfully submitted,



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March 13, 2006

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